

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv244**

USA TROUSER, S.A. de C.V.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
INTERNATIONAL LEGWEAR)	
GROUP, INC.; WILLIAM SHEELY;)	
JOHN SANCHEZ; and SCOTT)	
ANDREWS,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Individual Defendants’ Motion to Seal Certain Exhibits [Doc. 62].

Defendants William Sheely, John Sanchez, and Scott Andrews move the Court for an Order allowing them to file certain documents under seal in this case. Specifically, the Defendants argue that Exhibits 23 and 24 in support of their Motion for Summary Judgment should be filed under permanent seal pursuant to a “stipulated protective order” entered into by the Plaintiff USA Trouser, S.A. de C.V. (“USA Trouser”) and a third-party witness, Gordon Brothers, LLC (“Gordon Brothers). [Doc. 62]. Exhibit 23 is the subject

“stipulated protective order,” while Exhibit 24 is a contractual document apparently produced by Gordon Brothers pursuant to a third-party subpoena.

The Local Rules of this Court provide that “[n]o materials may be filed under seal except by Order of the Court, pursuant to a statute, or in accordance with a previously entered [Rule 26(c)] Protective Order.” LCvR 6.1(B). The parties have never sought the entry of a protective order in this case. The “stipulated protective order” cited by the Defendants apparently has not been entered by any court. The document is captioned as being filed in the case of “USA Trouser, S.A. de C.V. v. International Legwear Group, Inc. et al” in the United States District Court for the District of Massachusetts. The order, however, is not signed by any judge, either in the District of Massachusetts or this District. Further, while the document is signed by counsel for USA Trouser and Gordon Brothers, it is *not* signed by counsel for the parties proffering it, *i.e.*, the Defendants.

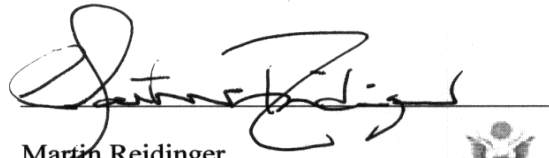
The Defendants offer no reason why the sealing of the stipulated protective order itself is necessary, and therefore, the Defendants’ motion to seal Exhibit 23 is denied. Because the parties have not sought the entry of a protective order in this case, the Defendants’ request to file Exhibit 24 under

seal “pursuant to a stipulated protective order” is denied without prejudice subject to the filing of an appropriate motion for entry of a protective order.

IT IS, THEREFORE, ORDERED that the Individual Defendants’ Motion to Seal Certain Exhibits [Doc. 62] is **DENIED** with respect to Exhibit 23. The Motion [Doc. 62] is **DENIED WITHOUT PREJUDICE** with respect to Exhibit 24.

IT IS SO ORDERED.

Signed: September 22, 2012


Martin Reidinger
United States District Judge

